

# Notice of Allowability

Application No.

10/681,265

Examiner

James M McAleenan

Applicant(s)

LE BIEZ ET AL.

Art Unit

3745

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 09 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/09/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The instant invention is directed to an unobvious improvement over Khalid (U.S. Patent Number 5,520,508) (see Figures 2-5 and Col. 2, lines 41-67). Khalid discloses a casing (16) supporting a series of stationary blades (18) whereby disposed between them a series of rotor blades (10) that are movable in rotation about a longitudinal axis (see Figures 2-3 and Col. 2, lines 41-62). Khalid discloses the radially outer ends of the rotor blades (10) being close to the inside face of the casing (16) (see Figures 2-5 and Col. 2, lines 51-67). Khalid discloses the casing (16) including a main element and an assembly facing the series of rotor blades, wherein the assembly includes a plate made of a cellular material with tubular cells (see Figures 4-5 and Col. 3, lines 1-18). The improvement comprises in combination of: 1) a casing including an main element and assembly comprising a plate made of cellular material with tubular cells and a covering disposed on the face of the plate facing away from the blade so the cells open toward the blades; 2) wherein the covering has holes opening out into the cells of the plate forming open cells and the covering closing other cells of the plate, thereby forming closed cells such that a cavity is being formed between the plate and the inside face of the main element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statement of Reasons for allowance."

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### **PRIOR ART**

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 5 patents.

Hammersley et al. (U.S. Patent Number 6,485,025) is cited to show similar shroud honeycomb features as claimed by Applicant's invention.

Subramanian et al. (U.S. Patent Number 6,203,927) is cited to show similar shroud honeycomb features as claimed by Applicant's invention.

Ichikawa (U.S. Patent Number 6,159,578) is cited to show similar shroud honeycomb features as claimed by Applicant's invention.

Ainsworth et al. (U.S. Patent Number 4,639,388) is cited to show similar shroud honeycomb features as claimed by Applicant's invention.

Moskowitz (U.S. Patent Number 3,867,061) is cited to show similar shroud honeycomb features as claimed by Applicant's invention.

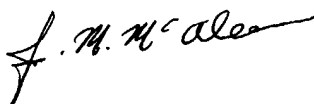
### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M McAleenan whose telephone number is 703-308-2827. The examiner can normally be reached on M-F 8:30-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 703-308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

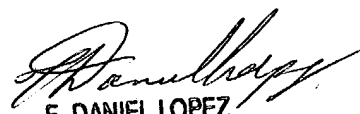
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/19/04

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703-308-2827



F. DANIEL LOPEZ  
PRIMARY EXAMINER